

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID TODD BENNET, SR.,

No. 14-14628

Plaintiff

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

ADAM KANDULSKI, M.D., ET AL.,

Defendants.

---

**ORDER DENYING MOTION FOR COUNSEL**

Plaintiff, a *pro se* litigant in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Dock. #19].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. Defendants’ motion for dismissal pursuant to Fed. R. Civ. P. 12(b) [Dock. #14] is

currently pending. At this stage of the proceedings, Plaintiff's request for counsel is premature.

Accordingly, Plaintiffs' Motion to Appoint Counsel [Dock. #19] is DENIED  
WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: June 8, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 8, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen